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IN THE

Supreme Court of the United States

October Term, 1949

No. .....

GEORGIA M. SPRUILL, *Petitioner*

v.

BISHOP S. D. BROOKS, *Respondent*

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT AND BRIEF IN SUPPORT THEREOF.

To the Honorable, the Chief Justice of the United States, and the Associate Justices of the Supreme Court of the United States:

Your petitioner, Georgia M. Spruill, respectfully shows and represents unto your Honors that:

STATEMENT OF THE MATTER INVOLVED

The petitioner instituted a civil action for possession of real estate against respondent on grounds being the

lawful owner entitles her to possession and benefit of all monetary value in earning power the property may have (R. 7).

"Instead of answering defendant" therein (R. 56) "moved to dismiss" by D. C. Code, 1940 Ed., T. 11-735 (R. 25).

The case was heard in open Court, "Feb. 3, 1949" as previously set by the "Ct." for hearing (R. 8).

The record under file dates "Nov. 24, 1948" and Jan. 25, 1949" when the cause on that 3rd day was called to be heard on merit, speaks for itself (R. 7, 9).

The plaintiff's exhibits 1, 2, 3 (R. 14, 17, 21), that are referred to, by "Frank H. Myers, Judge", as having been "submitted" by "Mrs. Spruill" in this, personal, communication that Judge addressed to the defendant in the case were submitted by the plaintiff on February 3rd, 1949, in open Court (R. 24). What reason can Judge Myers give for dating this letter: "February 2, 1949," which he sent to: "Rev. Simon D. Brooks, 27 Logan Circle, N. W., Washington, D. C." through the United States Post Office? In fact that Judge did not see "exhibits 1, 2, 3," (R. 37, par. 2) before the 3rd day of February, 1949, when, in person, the plaintiff handed to him these three papers, in open Court. There was nothing said in Court, that day, about continuing the case to a later date to be heard. Had the plaintiff not called at the clerk's office the 4th day of February, 1949 and there, saw in the file, loose, a copy of the aforesaid personal communication and gone to the Judge's private office as is suggested in that letter, she would have received by mail, the Judge's notice of change in date, to: "February 10th, 1949". The exhibits submitted as herein described is a mere verification of these instruments: Nos. 449, 12538, 16352, that are shown cited in the record at pages 9, 10, paragraphs 1, 3, 4.

JURISDICTION

The order of the United States Court of Appeals for the District of Columbia Circuit was entered on October 18, 1949 (R. 59) and the order denying petition for reconsideration was entered on January 19, 1950 (R. 62). The jurisdiction of this Court to issue a Writ of Certiorari in this case is invoked under the inalienable right of a citizen to be protected by the Supreme Court of the United States of America, when, and after, an inferior court has erred in judgment and thereby has failed to protect that citizen under the Constitution's guarantee.

QUESTIONS PRESENTED

1. Whether an appeal from the opinion of the Municipal Court of Appeals could have been denied by the United States Court of Appeals.

2. Whether the class of tenant respondent is, is relevant in determining this cause, on merit.

3. Whether the Act of Congress upon the phrase "tenant at will" reported in the D. C. Code, 1940 is applicable in this case.

4. Whether the Federal District Court in finding in equity in July, 1933 that the law required Harriet T. Serven to credit rent to Georgia M. Spruill and "ordered that in an accounting plaintiff be credited with the rent actually collected" that order made said Serven and her successor holders of the premises tenants of said Spruill and subject to removal by this petitioner upon service by her of notice to vacate the said premises.

REASONS RELIED ON FOR ALLOWANCE OF THE WRIT

1. The Federal Court denial of petitioner's right to appeal from the inferior court judgment is denying her the

right of free speech and the right to contest her cause through the courts upon the merit in the case.

2. The discrepancy of the Municipal Court Judge that in fact appears upon the face of the record—pp. 24, 46—though and perhaps not prompted through fraudulent intent fraud, actually, has been committed by that Court action.

3. The opinion of the Municipal Court of Appeals for the District of Columbia is based on the decision of the trial branch of court in this municipality which decision was reached contrary to due process of law.

a. Respondent had already lost the case, by default, when and at the time Judge Myers wrote him the letter he, Mr. Myers, dated February 2, 1949.

b. The same Judge scribbled with his own hand, in designating, item "14" above the name of this petitioner upon her additional designation of record which she had filed in the Clerk's Office, "Mar. 29, 1949".

c. Then said Judge wrote the statement shown written on the blank space between where she had signed her name before filing the paper, as said, and above her name at the bottom of the page, which shows she had served a copy of her own designation, upon the respondent, before filing same in the record.

d. The said statement shown on the face of the record shows that Judge dated it: "April 30, 1949". See: Motion To Strike and exhibits A, B, C. D, attached thereto (R. 48, 50, 51, 52, 53) that was filed "May 11, 1949" in the Appeals Branch of the Municipal Court.

4. The questions raised on this petition are of general importance. They point to the record wherein by improper use of a number, dates, a phrase and words, fraud in action is seen.

WHEREFORE, your petitioner, Georgia M. Spruill, prays the allowance of a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit in this case, that the issues raised by denial to petitioner her right to possession of her property and right to appeal from the Municipal Court decision may be reviewed and determined by this Court, that the Court reverse the opinion the court below refused to review and set aside its order as null and void; and for such further relief justice demands and this Court may deem just and proper.

GEORGIA M. SPRUILL,
Petitioner
In Proper Person

BRIEF IN SUPPORT OF PETITION FOR CERTIORARI

OPINIONS BELOW

The U. S. Appeals Court for the District on the denial of petitioner's right to appeal from the opinion of the Municipal Court of Appeals of the District did not render an opinion to show justification for the issue of the order denying to her that right (R. 59, 62, 56).

GROUNDS OF JURISDICTION

Jurisdictional grounds which invoke the jurisdiction of this Court are set out in the petition.

STATEMENT OF CASE

The case is sufficiently stated in the petition.

ARGUMENT

In view of the fact, petitioner has no money to facilitate a better means, for the benefit of the Court, she attaches hereto as part hereof, in argument, a duplicate of the "Petition For Reconsideration", No. 10362 U. S. Court of Appeals (R. 60, 61). This may serve as an index to authorities and the relevant points.

CONCLUSION

It is, therefore, respectfully submitted that this case calls for exercise by this Court of its supervisory powers in order to do justice; and to bring about that end a writ of certiorari should be granted and the matter reviewed that all acts of the courts below that obstruct justice may finally be reversed and set aside as null and void by this Court.

Respectfully submitted,

GEORGIA M. SPRUILL,
In Proper Person

IN THE

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA

NO. 10362

OCTOBER TERM, 1949

GEORGIA M. SPRUILL, *Petitioner,*

vs.

BISHOP S. D. BROOKS, *Respondent.*

PETITION FOR RECONSIDERATION

Georgia M. Spruill, in proper person, appeals to this Court to reconsider the action it took on October 18, 1949, when it denied the plaintiff, this petitioner, her constitutional right to appeal from the opinion of the Municipal Court of Appeals for the District of Columbia, *Spruill v. Brooks,* No. 817.

The danger such court action suggests to an already terrorized people, who are frightened by public acts inefficiently performed, should be eliminated at once. The Declaration of July 4, 1776 and shedding of blood by which the Constitution of the United States in America was produced, should be of grave concern to the people when seeing a court action like the one referred to. For with one stroke, the immortal document, the Constitution of the United States of America, is stricken from the law books insofar as being a

safeguard to the rights of the citizen is concerned, when the citizen, by a Municipal Court can be denied the right to take an appeal from the city's court action.

Here we have in *Spruill v. Brooks*, D. C. App. 68 Atlantic Reporter, 2d Series, pp. 204, 205, 206, 207, published, a flimsy excuse made with libelous intent in that, fraudulently, a certain title company, by its attorney, used the phrase "tenant at will" for one purpose only; that of protecting the swindler, under color of law, through a misuse of the D. C. Code, Sec. 45-822 as amended to 1940 (R. 14). The case was filed on November 24, 1948 in No. L. & T. 240662 and it was not until the Judge in that Court, in February, 1949, addressed a personal letter to the defendant in which the "suggestion" is made by that Judge to the defendant that he plead by "Rule 5, Plea of Title," that the said title company filed the motion to dismiss, on February 10, 1949, under D. C. Code, 1940 Ed., T. 11-735 (R. 10-11). This move, made by the title company that accepted money for a bogus title, in which the defendant placed faith, causes the opinion of the Municipal Court of Appeals for the District of Columbia to be vitiated with fraud and, therefore, the opinion of that Court should be set aside as null and void. D. C. Code 1940, Sec. 16-505. "It shall be sufficient to entitle the plaintiff to a verdict to show that he is entitled, as against the defendant, to the immediate possession of the premises claimed and that the defendant, ~~to the immediate possession of the premises claimed and that the defendant~~ is in possession thereof, holding adversely to the plaintiff, or is exercising acts of ownership over the same adversely to the plaintiff; . . ." The statement, made at section "(2)" of the opinion (*Ballard v. Spruill*, 64 App. D. C. 60, 74 F. 2d 464), in which that court says the "court in 1934 set aside a sale by trustees under a

deed of trust," is not true. The case *Spruill* v. *Ballard*, 61 App. D. C. 112, 58 F. 2d 517, reported in March, 1932, held that the persons, who attempted to make "a sale," were not trustees; and it was held by the same court the "rule," in 61 App. D. C. 112, reported in 1932, "is applicable," in the 64 App. D. C. 464 case it reported in 1934. The fact that in this Federal report of 1934 is shown "ordered that in an accounting plaintiff be credited with the rent actually collected," is ample proof that the tenant, in 1934, was a tenant of plaintiff and that each succeeding occupant of the property thereafter, has been a tenant of the owner, who had to be the owner of the property before the Federal Court, could have ordered "rent actually collected" to be "credited" to the "plaintiff."

FACT AND LAW

A memorandum of facts leading up to July 1, 1933 when the, then, "Supreme Court of the District of Columbia" in equity found that in "*Law,*" the "Plaintiff is entitled to the reasonable rental value of her property. . . ." are:

1. May 20, 1930, the plaintiff in the case, Equity No. 51443, filed a bill to enjoin the defendants, Ballard and A. R. Serven, from carrying out a threat to sell her property to collect $225.00 which she did not owe.

2. June 18, 1930, she filed her Amended Bill.

3. June 25, 1930, the defendants filed a motion to dismiss the Amended Bill which was granted and the case was dismissed on July 3, 1930.

4. March 28, 1932, the U. S. Court of Appeals reversed the lower court with the court costs charged to the defendants.

5. July 16, 1930, the threat to take plaintiff's property away from her to collect the said $225.00, was

carried out by another attempt made by the said Ballard and Serven to sell and this time they paid a one Buck, a $100.00 to buy it in for them and by the Municipal Court obtain an order by which the owner was disposed of her property on November 24, 1930. Meanwhile, the reversal of the lower Federal court ruling by the Federal appeals court appears to have frightened defendants Ballard and Serven when they saw the answers to the original amended bill which they filed on May 9, 1932 and May 25, 1932 would not work; and, by order of the Federal Trial Court, the case must go to trial on June 19, 1933.

6. June 19, 1933, when meeting at the Court House, the attorney for the plaintiff, plaintiff was told by her attorney the defendants had offered a compromise settlement out of Court. She advised him then and there that she would not consider any compromise offer not made direct to her in writing. So, in the record in *Spruill v. Ballard et al.*, 64 App. D. C. 60, 74 F. 2d 464 at pp. 110, 111 the offer to compromise made in writing on June 19, 1933, appears on appeal in No. 6154.

7. May 8, 1934, the defendants (Equity No. 51443), filed in this Court, in No. 6154, a motion to strike from the record these two pages: 110 and 111, and the docket shows this Court never took any action whatsoever upon that motion.

It appears of record, that all Federal reports in the Spruill cases that are printed in law books conform in intent to that, dated October 1, 1934, reporting on appeal No. 6142, *Ballard et al., defendants,* Equity No. 51443 that was taken in 1933 from the Ditrict Court decision. Regardless of the fact that plaintiff in the same case and on that same day in 1933 took an appeal based on her constitutional right

to a jury trial of the issue of damage which right the District Court denied to her when it denied her motion made in writing on June 27, 1933, this Court, in its report October 1, 1934 upon the plaintiff's appeal says: "Appeal No. 6154 . . . relates to the case set out in appeal No. 6142, supra." It had already said in its opinion in this "supra" case, that the "rule is applicable" in said *Ballard et al.* v. *Spruill,* which, it reported in 1932 in the case *Spruill* v. *Ballard,* 61 App. D. C. 112, 58 F 2d 517. This means that equity jurisdiction ended by the said "rule" when same was reported on March 28, 1932. See the Plaintiff's printed *Petition For Writ Of Certiorari* to the U. S. C. P. D. C., No. 304 Misc. 333 U. S. 864; 82 U. S. App. D. C. 401; 166 F. 2d 210. This petition is available in the Library of Congress' law division; also in the Supreme Court Library. It gives authorities in equity and law upon the constitutional right of a citizen. The *Brown* v. *Bar Association,* Appeal No. 7552, cited at page 31 of this petition, if looked into by a competent digester who could parcel parts and fit the parts into a whole a cause, for the fear, the people now suffer, might be found. Quoting from the Bar Association Brief, p. 16, is this statement: "For ~~near~~ half a century (since 1875, the lower Court judicially known) the Bar Association has maintained its library in the United States Court House." *Brown v. Bar Association,* United States Court of Appeals, District of Columbia, Appeal No. 7552. On August 13, 1949, shown printed in a daily newspaper, is a statement made to "Congress" by "Comptroller General Warren," in which he says that "millions of dollars in Government revenue are being withheld from the U. S. Treasury by Government officials" and "diverted to unauthorized purposes." Do not the people of the land have just cause for fear that some foreign power may invade the

country in the near future when the betrayer of public trust and he who would embezzle that intrusted to him is in power in the land?

Respectfully submitted,

GEORGIA M. SPRUILL,
Petitioner,
In proper person.